

## Cumulative Index 1988–1992

- Abortion,
  - Abortion Act, section 1(1)(b),
    - ambit of [1990] 687
    - changes to law on, HUFEA [1991] 658
  - selective reduction and feticide [1988] 199
- Abstracting electricity,
  - husband and wife, by [1991] 610
  - tampering with meter [1992] 872
- Abuse,
  - children of,
    - delay in prosecution [1990] 645
- Abuse of process [1991] 522
  - care in exercise of jurisdiction,
    - delay and [1992] 790
  - custody time limit,
    - re-arrest and [1992] 116
  - documentary evidence
    - complexity of [1991] 115
  - jurisdiction of Crown Court to stay indictment [1992] 30
  - prejudice and,
    - mere delay giving rise to [1990] 318
  - principles to be applied
    - sexual offences, and [1992] 873
  - prosecution delays and, Australia, in [1990] 552
  - Road Traffic Act, under [1990] 568
  - unused material,
    - failure to reveal [1992] 117
- Accessory,
  - procuring offence by another,
    - mens rea* of [1991] 763
- Accomplice,
  - intent, purpose and complicity [1988] 641
  - joint enterprise,
    - injury to prisoner [1988] 677
- Accused,
  - freedom to prejudice co-accused [1991] 1
- Acquittals,
  - rates of,
    - 60 Crown Court centres, in [1990] 629
  - significance in later trials [1991] 510
- Actus reus*,
  - justification for acts,
    - causal relationship to [1990] 559
- Administration of justice,
  - miscarriage of [1991] 492
  - judicial responsibility for [1991] 492
  - police and [1991] 495
- Affray,
  - common law offence [1988] 604
- Affray—*cont.*
  - Public Order Act 1986,
    - objective standard [1992] 31
- Agriculture,
  - false statement to obtain grant [1992] 874
- Aiding and abetting,
  - passive assistance [1988] 41
- Alibi,
  - burden of proof and [1991] 361
  - evidence as to [1991] 38
  - notice not served [1991] 611
- Animals,
  - causing suffering in transport,
    - mens rea* [1991] 210
  - Dangerous Dogs Act 1991,
    - meaning of prosecuted [1992] 875
  - protection of wild [1989] 645
- Appeal,
  - against conviction [1988] 107
  - guilty plea, after [1988] 741
  - by way of case stated [1988] 517
  - case stated application,
    - statutory period, and [1990] 569
  - Crown Court
    - abandonment [1988] 439
    - fresh evidence [1988] 369
  - jurisdiction,
    - relisting [1988] 370
  - leave to arraign out of time,
    - "due expedition" [1992] 572
  - Mauritius, from,
    - principles to be applied [1991] 613
  - mistake by counsel not valid ground [1988] 109
  - power to consider plea in bar
    - Crown Court, of [1992] 877
  - quashed conviction restored,
    - grounds not previously considered [1991] 191
  - re-trials and [1990] 615
  - similar fact evidence,
    - misdirection [1991] 767
  - substitution of verdict [1988] 679
- Appropriation, *see* Theft
- Armed forces,
  - superior orders,
    - legality of [1989] 396
- Armed robbery [1991] 362
- Arson,
  - intent,
    - conflict of authorities on [1991] 41
  - to resist arrest, with [1991] 364

# CUMULATIVE INDEX 1988-1992

- Arson—*cont.*
    - recklessness,
      - direction to jury [1991] 768
    - test [1988] 371
  - Arrest,
    - acts constituting [1988] 743
    - citizen's,
      - offence must be committed [1992] 572
    - power of,
      - Justices of the Peace Act 1361, under [1988] 107
    - statutory power of [1990] 394
  - Assault,
    - abuse, and,
      - police against [1988] 600
    - common,
      - absence of specific count, and [1990] 708
      - battery, and [1991] 900, 904
    - constable in execution of duty, on [1992] 119
    - indecent [1992] 642
      - defence of consent [1992] 574
    - intent to rape, with [1988] 434
    - police, on [1988] 605
    - recklessness, and [1990] 321, [1990] 797
    - self-defence by occupier,
      - reasonable force and [1992] 792
    - unlawful arrest and [1988] 741
    - unlawful wounding,
      - recklessness, and [1990] 709
  - Assault and wounding,
    - intent [1992] 288
  - Attempt,
    - acts amounting to [1991] 268
    - codifying statute,
      - relevance of *actus reus* in [1990] 800
    - Criminal Attempts Act 1981 [1991] 416
    - incitement to act of gross indecency,
      - child under 14 [1991] 785
    - Murder [1990] 44
    - proximity in [1991] 576
    - wrong turnings on law of [1991] 416
  - Attorney-General,
    - consent for prosecution [1991] 692
  - Australia,
    - prosecution delays in,
      - abuse of process doctrine, and [1990] 552
  - Automatism,
    - defence of [1990] 256
    - diabetes, and [1991] 434
    - hyperglycaemia [1989] 356
  - Autrefois convict,
    - drugs [1988] 435
  - Aviation,
    - allegation of recklessness,
      - summing-up prejudicial [1991] 435
  - Aviation—*cont.*
    - endangering aircraft or passengers,
      - recklessness, and [1991] 435
  - Bail,
    - abuse of process,
      - doctrine inapplicable [1990] 801
    - application,
      - refusal to hear [1991] 693
    - application refused
      - reapplication [1990] 859
    - argument previously advanced [1992] 496
    - charge of murder [1992] 121
    - no application on first appearance,
      - subsequent hearing [1992] 33
    - procedure [1992] 294
    - surety,
      - forfeiture of recognisance [1991] 694
  - Bail Act,
    - three frequent questions on [1989] 493
  - defendants not asking for [1988] 152
  - factual misstatements alleged [1990] 859
  - fail to surrender to custody [1990] 395
  - failure to surrender [1988] 295
  - non-imprisonable offence,
    - conditions [1989] 207
  - surrender to custody,
    - meaning of [1988] 606
  - time limits,
    - one for each offence charged [1990] 801
- Bank accounts,
  - Criminal investigations, and [1989] 185
- Binding over. *See* Sentence
- Blackmail,
  - decline and fall of [1989] 323
  - morphine injection, for
    - "with a view to gain for himself" [1988] 236
- Blasphemy,
  - confined to Christianity [1990] 711
- Bodily samples, *see* Evidence.
- Breach of the peace,
  - power to bind over [1992] 497
  - use of case stated procedure [1992] 497
- Bribery,
  - Hong Kong Law,
    - aiding and abetting [1991] 614
- Broadcasting,
  - "private" radio,
    - non-British citizens, by [1990] 803
- Buggery,
  - mental handicap,
    - evidence of [1988] 744
- Burden of proof,
  - cruelty to child [1991] 381

# CUMULATIVE INDEX 1988-1992

- Burden of proof—*cont.*
  - Hunt*, value of [1988] 19
  - Public Order Act, and [1988] 19
- Burglary,
  - recent possession [1992] 361
- By-laws,
  - validity,
    - prejudice to existing rights [1989] 208
- Cautioning,
  - Home Office guidelines [1991] 591
  - Young offenders, and [1991] 598
- Cautioning offenders,
  - juveniles,
    - role of multi-agencies [1992] 632
- Character,
  - directions to jury,
    - importance of [1990] 397
- Children,
  - abuse of,
    - delay in prosecution for [1990] 645
  - doli incapax*
    - rebuttal of presumption [1989] 498
  - evidence of, *see also* Evidence
  - trauma of [1990] 371
  - indecent photographs of,
    - age relevant [1988] 120
  - indecency with,
    - common law offence [1990] 415
  - memory recall by [1991] 189
  - wilful neglect,
    - failure to provide medical aid [1990] 715
  - young persons, and,
    - doli incapax* [1992] 34
    - reporting restrictions in proceedings [1991] 365
- Coercion,
  - reasonable belief insufficient [1988] 42
- Collaborative testimony. *See* Evidence
- Committal,
  - delay [1989] 56
  - examining justices,
    - power to stay proceedings [1991] 526
  - procedure [1990] 258
  - writ of *habeas corpus* [1988] 44
- Common law,
  - criminal law, and,
    - Scotland, in [1990] 292
- Community service. *see also* Sentence
  - national standards for,
    - discipline and breach [1989] 412
- Company directors,
  - theft and dishonesty, by [1991] 732
- Company law,
  - creditors' winding-up,
    - fraudulent removal of property [1990] 804
- Company law—*cont.*
  - fraudulent trading [1989] 559
  - insider dealing,
    - "obtaining" information [1989] 647
    - unsolicited information [1989] 134
- Compensation,
  - Criminal Injuries Compensation Board [1989] 32
  - offenders, by [1989] 32
- Complicity,
  - intention, and [1988] 484, 641, 649
  - joint enterprises,
    - mens rea* and secondary participants [1990] 383
  - purpose and the draft code [1990] 4
  - recklessness, and [1990] 98
- Computers,
  - Computer Misuse Act [1990] 767
  - hacking,
    - forgery, and [1988] 437
  - misuse of,
    - guilty pleas,
      - voire dire*, and [1990] 860
- Confession. *See also* Evidence
  - guilty pleas,
    - voire dire*, and [1990] 860
- "Confession and avoidance" defences
  - provocation and duress [1992] 706
- Conservation,
  - Wildlife and Countryside Act,
    - meaning of occupier [1991] 769
- Conspiracy,
  - defraud, to [1989] 714
  - guilty plea by co-conspirator [1988] 456
  - to defraud [1988] 137, 508
  - jurisdiction,
    - entered into abroad [1991] 126
  - mens rea*,
    - importation of drugs [1989] 712
  - passport,
    - jurisdiction [1989] 809
  - to defraud DSS,
    - no economic loss to Crown [1991] 617
- Conspiracy to defraud,
  - bank [1992] 425
- Consumer credit,
  - "cash price" and [1988] 438
  - misleading advertisement [1989] 560
  - Law Commission proposals [1989] 257
- Consumer protection,
  - corporate entity,
    - role of employee [1992] 644
  - evidence,
    - reasonableness [1991] 832
  - misleading advertisement [1992] 644
- Contempt of court,
  - complainant,
    - not giving evidence [1989] 811
  - no evidence by prosecution,
    - position of judge [1989] 811

# CUMULATIVE INDEX 1988-1992

- Contempt of court—*cont.*
  - photographing defendant [1989] 282
  - problems of [1992] 107
  - prohibition of TV broadcast [1988] 237
  - summary jurisdiction,
    - inappropriate procedure [1988] 680
  - witness, of,
    - failure to give evidence [1989] 717
- Copyright,
  - capturing pirates [1989] 709
- Corporate crime,
  - individual responsibility, and [1988] 788
- Corporate liability,
  - manslaughter, and [1991] 156, 693
- Costs,
  - application for,
    - notice of discontinuance, and [1991] 699
  - Costs in Criminal Cases Regulations [1991] 770
  - habeas corpus*,
    - award *inter partes* [1988] 681
  - order in criminal proceedings [1991] 43
- Counsel,
  - conduct at trial,
    - material irregularity [1989] 562, 563
  - mistake by [1988] 109
- Court of Appeal,
  - accessibility of,
    - miscarriages of justice, for [1991] 323
- "Cracking" trials *see* Trial
- Criminal code,
  - 1870's attempts to introduce,
    - Cockburn L.J. and [1990] 315
    - Law Commission's proposals [1992] 396
- Criminal damage [1988] 403, [1990] 48
  - computer software, to [1991] 437
  - sentence for [1991] 437
  - defence of lawful excuse [1989] 136
  - lawful excuse,
    - objective test [1988] 682
  - police van, to [1991] 440
  - relevance of damage done [1989] 57
  - removing car-clamp,
    - "lawful excuse" and [1991] 904
- Criminal justice,
  - deserved sentences, and [1989] 353
  - ethnic minorities, and [1992] 83
  - Scottish safeguards [1992] 144
- Criminal Justice Act 1991,
  - arrangements for early release [1992] 252
  - children's evidence [1992] 262
  - custodial sentences [1992] 232
  - non-custodial sentences [1992] 242
  - pre-sentence reports, and [1992] 558
  - young offenders and youth court [1992] 277
- Criminal law,
  - crime and regulation [1988] 211
  - New Zealand's 1989 Code [1990] 827
- Crown Court,
  - appeal,
    - absence of appellant [1988] 439
  - committal [1988] 823
  - information,
    - appeal from magistrates [1990] 260
- Criminal proceedings,
  - judicial review of [1991] 259
- trial, *see* Trial
- Criminal procedure,
  - Criminal Procedure (Insanity and Unfitness to Plead) Act [1992] 4
  - Netherlands, in [1992] 623
- Court of Appeal,
  - relisting jurisdiction,
    - fair hearing and finality [1992] 346
- Current topics,
  - crack explosion [1992] 359
  - "cracked trials"—what is happening? [1992] 867
  - criteria for custody,
    - role of appeals, and [1992] 568
  - DNA evidence—Beyond reasonable, doubt? 264
  - do children forget faster? [1991] 189
  - drink-drivers' PACE rights [1990] 177
  - provocation and mercy killing [1991] 111
  - provocation from the Home Office [1992] 716
  - tape recordings,
    - interviews with foreigners [1989] 643
  - two suspects,
    - decision to prosecute one [1989] 129
  - War Crimes Act and procedural protection [1992] 173
  - what is an allegation of rape? [1991] 689
- Custody,
  - criteria for,
    - role of appeals, and [1992] 568
  - time limits,
    - application for extension—"due expedition" [1992] 500
    - extension—whether reasonable [1992] 501
    - failure to seek extension [1991] 529
  - unlawful,
    - breach of time limits [1991] 619
- Customs and Excise,
  - access to recorded information,
    - VAT Act [1988] 684
  - fraudulent evasion,
    - knowingly concerned [1989] 210
  - seizure of property,
    - order for restitution [1988] 824

# CUMULATIVE INDEX 1988-1992

- DNA evidence. *see* Evidence
- Dangerous offenders,
  - protective sentencing, and [1988] 424
- Death by reckless driving. *see* Road Traffic
- Deception,
  - Consumer credit agreement,
    - existing liability under [1991] 530
  - evading liability by [1991] 438
  - "execution" of document [1988] 372
  - exemption or abatement of liability [1990] 326
  - forged cheques,
    - right to withdraw from account [1990] 806
  - obtaining pecuniary advantage by [1989] 565
  - obtaining supplementary benefit by, [1989] 648
- Defence,
  - alternative,
    - duty of trial judge, and [1991] 878
  - duress [1989] 611, 622
  - insanity. *See* Insanity defence
  - necessity [1989] 611, 622
  - non-insane automatism,
    - insanity, or [1990] 256
  - provocation,
    - mercy killings, in [1991] 111
  - provocation and diminished responsibility [1988] 411
  - self-defence [1989] 611
- Detention,
  - police station, at,
    - necessity principle [1990] 22
  - warrant for further [1988] 296
- Diminished responsibility,
  - defence of,
    - alcoholism and [1992] 35
- Diminished responsibility defence,
  - future of [1988] 75
  - provocation and [1988] 411
- Dishonesty,
  - company directors, by [1991] 732
  - deception,
    - proper direction to jury [1992] 292
  - direction to jury [1990] 398
  - jury,
    - questions during retirement [1992] 292
  - obtaining by deception,
    - mortgage fraud [1991] 771
  - robbery,
    - moral justification [1992] 793
- DNA profiling,
  - police powers, and [1990] 479
- Double jeopardy, [1990] 181
- aurefois convict* [1988] 46
- careless driving and driving with excess
  - alcohol [1988] 46
- two-timing the principle [1988] 103
- Drugs,
  - class A,
    - "magic mushrooms" [1990] 261
    - production of [1992] 362
  - cocaine,
    - importation [1988] 172
  - controlled,
    - conspiracy to produce [1990] 379
    - notes on [1988] 275
  - crack [1992] 359
  - importation,
    - innocent third party and [1990] 648
  - importation in car,
    - passengers' involvement [1991] 773
  - inconsistent verdicts,
    - possession with intent [1990] 650
  - misuse of,
    - offering to supply [1992] 588
  - offering to supply controlled [1992] 723
  - possession, [1988] 440
    - knowledge [1988] 517
  - supply to another [1992] 296
  - trafficking,
    - Mauritius, in [1991] 613
    - production order conditions [1989] 888
- Drunk and disorderly,
  - public place [1992] 502
- Duress,
  - attempted murder and [1991] 366; [1992] 724
  - necessity, and,
    - Law Commission on [1992] 778
  - provocation, and [1992] 724
  - terror of personal injury,
    - driving with excess alcohol [1992] 176
- Ethnic Minorities,
  - criminal justice system, in [1992] 83
- European Community,
  - sea fishing,
    - false declaration as to catch [1989] 213
- Evidence,
  - 1984 PACE Act [1988] 453
    - bank application forms as record [1990] 721
    - breaches of Code of Practice [1990] 109, 185, 329, 572
    - co-accused's plea of guilty [1989] 567
    - confessions and confusions under [1989] 95
  - 1984 PACE Act Codes of Practice
    - breach of first interview [1991] 280
    - breaches of [1988] 747
    - breath test, and [1989] 893
    - code C revamped [1991] 232
    - commercial investigator subject to [1990] 863

# CUMULATIVE INDEX 1988-1992

## Evidence—*cont.*

- 1984 PACE Act Codes of Practice—*cont.*
  - failure to comply [1988] 748
  - in breach of [1991] 49
  - identification parade, and [1991] 55
  - interview not complying with [1991] 622
  - reading and signing of record, and [1991] 56
  - record of interview not read [1991] 626
- accomplice pleading guilty, implication of defendant [1991] 53
- accused using,
  - co-accused against [1991] 5
- accused's silence,
  - Crown's case, and [1991] 450
- acquittal of co-accused,
  - credibility of police witness [1990] 572
- admissibility,
  - defendant's statement, of [1990] 263
  - documentary [1989] 573, [1991] 912
  - documents of unproved authorship [1992] 304
  - failure to caution [1992] 582
  - identification of suspect's voice [1992] 578
  - letter of complaint, of [1989] 897
  - murder and previous woundings [1989] 898
  - PACE, s.58 [1991] 370
  - photofit picture, of [1989] 571
  - previous consistent statement [1988] 244
  - suicide pact, on [1990] 264
  - taken at trial outside UK [1992] 298
  - telephone tapping [1992] 580
  - video recording, of [1989] 58
  - wrong or inadequate reasons [1992] 299
- admissibility of confession,
  - failure to record interview [1989] 139
- admission of,
  - counsel's speeches, after [1992] 739
- admissions,
  - police evidence, and [1991] 372
- admissions and confessions [1988] 678
- breach of PACE Code [1989] 720
- hearing defect [1989] 892
- admission of offences not in indictment,
  - admissibility [1989] 819
- admission of written statement [1992] 882
- admissions made by counsel [1989] 61
- admissions to police
  - no contemporaneous note [1989] 291
- admitted at retrial [1991] 774

## Evidence—*cont.*

- affray,
  - previous offence of violence [1992] 37
- agent provocateur*, [1991] 774
- defence, and [1990] 653
- exclusion [1989] 358
- no defence to charge [1989] 285
- alibi [1991] 38
- American law,
  - liberalisation of [1990] 790
- appeal,
  - similar fact cases and [1991] 447
- application to sever indictments [1992] 44
- attempted rape [1992] 181
- breaches of PACE Codes,
  - relevance of [1992] 800
- C.J.A. s.2(2) notice [1992] 504
- calling of witness,
  - whether material irregularity [1992] 726
- causing death by reckless driving,
  - plea of guilty by co-accused [1991] 57
- caution,
  - accused and [1992] 126
  - breaches of Code [1992] 806
  - further questioning and [1992] 183
- caution and interview codes,
  - breach of [1990] 512
- character [1991] 703
- cross-examination and [1991] 116
- character of accused,
  - lies during investigation and [1991] 451
  - non-testifying [1991] 445
- child, of,
  - admissibility [1992] 737
  - corroboration of identification [1988] 301
  - proposals for reform [1988] 813
  - test for sworn evidence [1992] 795
  - unsworn evidence of [1989] 889
- child witness,
  - corroboration, and [1991] 379
  - Pigot Report [1990] 363
  - screening from defendant [1990] 515
  - sentencing and [1990] 371
  - termination of cross-examination of [1990] 343
  - unsworn and corroboration rule [1990] 510
  - videos, and [1990] 371
- co-accused, of,
  - prejudicial to other [1989] 894
- co-accused's,
  - one not giving evidence [1990] 571
- co-accused's guilty plea,
  - admissibility of [1988] 686

# CUMULATIVE INDEX 1988-1992

## Evidence—*cont.*

- co-accused's guilty plea—*cont.*
  - discretion to exclude [1991] 46
  - summing up, and [1990] 514
- collaborative testimony,
  - courts of law, in [1990] 302
- competence of former spouse [1989] 64
- matters prior to PACE [1991] 537
- computer print-out, [1991] 199, 285
  - absence of maker of [1988] 829
  - admissibility of [1989] 360
  - telephone bill, of [1991] 288
- confession [1989] 66
  - admissions, and [1988] 678
  - admissibility and appropriate adult [1991] 195
  - attacking with police embarrassments [1988] 573
  - breach of PACE code [1990] 190
  - defendant attacking police evidence [1990] 190
  - in absence of solicitor [1988] 446, 453
  - low intelligence [1988] 241, 442, 445, 449
  - mentally retarded offender [1989] 813
  - non-medical to doctor [1991] 122
  - reliability of [1988] 826
  - unreliable [1992] 122
- confessions and corroboration,
  - comparing jurisdiction [1991] 867
- contemporaneous interview note,
  - failure to make [1991] 779
- conviction, of [1988] 527
- convictions of co-accused,
  - admissibility [1991] 274
- corroboration [1992] 434
  - accomplice, by [1991] 448
  - Baskerville* reconsidered [1991] 30
  - implication of accomplice [1992] 178
  - lack of [1990] 187
  - Law Commission proposals [1990] 667
  - misdirections by judge [1989] 562
  - proposals for rules on [1990] 449
  - rape by two accused [1989] 499
- cross-examination,
  - previous offence, on [1991] 51
  - incriminating material and prosecution case [1990] 407
  - other offences, on (1988) 297
  - spent convictions and [1992] 125
- cross-examination (s.78),
  - interruptions by trial judge [1992] 306
- customs documents compiled abroad [1988] 112
- DNA profiling [1991] 264, [1992] 687
- reliability of [1991] 583
- defendant not giving,
  - direction to jury [1990] 341

## Evidence—*cont.*

- defendant's good character,
  - relevance [1990] 862
- detention in hotel room,
  - whether justified [1991] 452
- detention without charge,
  - confrontation outside time limits [1991] 541
- depositions,
  - witness dead before trial [1989] 820
- denial of access to solicitor [1988] 299, 608
- direction to jury [1988] 110, [1991] 202, 535
- discretion to exclude,
  - examining magistrates, by [1992] 880
- discretion to exclude admissions [1988] 519; [1989] 822
- dishonesty,
  - Ghosh* direction, and [1990] 341
- distinction between courts,
  - no inconsistency in verdicts [1992] 507
- dock identification
  - court's discretion to exclude [1989] 289
- documentary,
  - CJA 1988, s.24(4), and [1992] 883
- documentary hearsay [1991] 707; [1992] 15
  - computer records [1992] 180
  - vulnerable witnesses, and [1989] 629
- documentary records [1988] 452
- drug addict withdrawing,
  - admissibility of confession [1991] 277
- drunken driver,
  - police acting on tip-off [1991] 442
- electrostatic depression analysis system [1991] 543
- entrapment,
  - undercover police, by [1988] 750
- exclusion of [1989] 142
- excluding expert [1991] 800
- exculpatory statement [1989] 60
- exculpatory statements in interview
  - accused, by [1990] 341
- exhibits in court,
  - material irregularity and [1991] 447
- expert psychological [1991] 811
- expert witness, *see* Witness
- failure to give material,
  - witness afraid [1992] 879
- fair play at trial, and [1988] 722
- false,
  - corroboration, and [1990] 111
- foreign confession statements [1990] 575
- genetic fingerprinting [1991] 18
- good character of defendant [1991] 444
- group identification inadmissible [1988] 242



# CUMULATIVE INDEX 1988-1992

## Evidence—cont.

- guilty plea by co-accused,  
gross indecency with accused, of  
[1990] 117
- handling evidentiary exemption [1988]  
345
- harassment,  
corroboration necessary [1990] 810
- hearsay [1989] 15
- admissibility of document [1992] 651
- confession by co-accused excluded  
[1991] 833
- computer printouts and [1990] 401
- expert witness [1991] 835
- first-hand [1991] 192
- police officers and Code D [1991] 197
- res gestae* exception [1992] 576
- statement by D to another [1992] 733
- telephone calls to D's home [1992] 797
- Hong Kong,  
murder confession [1991] 914
- holding suspect incommunicado [1989]  
214
- hostile witness,  
cross-examination in absence of jury  
[1989] 817
- inconsistent statements [1992] 653
- identification [1989] 219
- abroad [1990] 581
- confrontation by [1988] 827
- contemporaneity of statement [1991] 48
- direction by judge [1990] 809
- "dock" [1992] 363
- fabrication, and [1990] 115
- failure to hold parade [1990] 402
- investigating officers and [1992] 187
- necessity for [1991] 778
- PACE Code of Practice and [1991]  
368
- parade at suspect's request [1992] 184
- police officer, by [1991] 295
- separate victims, by [1992] 430
- suspect's voice, of [1992] 578
- Turnbull* direction, and [1990] 716
- victim, by [1992] 181
- identification parade,  
"disputed identification" [1991] 454
- police officer and "taking part" [1992]  
365
- identifying witness, by,  
admissibility of [1990] 338
- identity,  
police informants, of [1988] 687
- indecency with child,  
invitation and cooperation [1989] 567
- indecent assault,  
mutual corroboration by complainants  
[1992] 185

## Evidence—cont.

- informal conversation,  
whether "interview" [1991] 458
- information to police  
breach of Code of Practice [1989] 288
- informer,  
identity of [1991] 198
- intercepted material,  
admissibility of [1992] 803
- "interview,"  
evidence previously excluded [1992]  
297
- materiality of questions [1992] 368
- meaning of [1989] 815
- technical breach of PACE Code  
[1991] 456
- interview en route,  
duty to show notes [1989] 500
- interview in absence of solicitor,  
request for solicitor [1992] 40
- interview of suspect,  
admissibility [1991] 916
- breach of Code of Practice [1988] 521,  
523
- interview not at police station,  
record of [1989] 650
- PACE code and [1991] 911
- irregular disclosure,  
bad character, of [1990] 92
- joinder of offences,  
submission of "no case" [1990] 335
- jury retired,  
tape of interview, and [1992] 366
- juvenile questioned,  
no "appropriate adult" present [1989]  
141
- legal professional privilege [1988] 305,  
498
- manslaughter of child,  
parents jointly charged [1991] 701
- medical,  
hypoglycemia [1991] 627
- mentally handicapped defendant,  
admissibility of confession [1991] 276
- misleading police statements,  
breaches of Code and [1991] 119
- missing or intimidated witnesses,  
Israeli experience [1992] 478
- "mixed" statement to police [1992] 647
- mixed statements,  
*Sharp* direction [1991] 293
- multiple incest [1991] 291
- need for specific direction [1990] 330
- murder,  
identification and *Turnbull* [1990] 113
- materiality of date of [1992] 655
- nature of police inquiry,  
misapprehension as to [1991] 708



# CUMULATIVE INDEX 1988-1992

## Evidence—*cont.*

- non-contemporaneous statement,
  - conditions for allowing [1990] 192
- novel scientific techniques,
  - recognition of [1992] 687
- oath,
  - lawfulness of [1990] 719
- observation posts,
  - non-disclosure of location [1992] 650
- out of court statements,
  - directions on [1991] 374
- overseas witnesses, and [1989] 435
- pending charge,
  - cross-examination on [1989] 900
- person not under arrest,
  - interview of [1991] 459
- plea of guilty by co-accused,
  - new trial necessary [1990] 404
- Police and Criminal Evidence Act. *See* 1984 PACE Act
- police informant,
  - disclosure of identity [1988] 113
- police interviews,
  - exclusion for "oppression" [1991] 118
  - no caution or note [1991] 128
  - refusal to answer [1990] 574
- police surveillance,
  - public interest [1988] 239
- pre-trial statements,
  - cross-examination on [1989] 364
- previous convictions [1988] 48
- cross-examination by co-defendant [1989] 719
- "cut throat" defence [1989] 569
- previous statement,
  - relevance of [1992] 800
  - whether admissible [1988] 303
  - relevance of [1990] 49
- proof of county court judgment [1988] 110
- proof of guilt by association,
  - PACE, s.74 [1990] 236
- prosecution witness,
  - police informer [1990] 183
- psychiatric [1988] 290
- public interest immunity [1991] 533
- questions after charge [1989] 62
- question by judge,
  - influence of [1991] 838
- rape,
  - complainant's previous sex experience, [1992] 301, 310, 433
  - complainant's previous sexual relations [1988] 828
  - defence of consent [1991] 461
  - previous sexual encounter, and [1990] 717

## Evidence—*cont.*

- rape at gun-point,
  - issue of consent [1990] 409
- recognition,
  - dangers of identification [1991] 620
  - safeness of conviction [1990] 50
- refreshment of memory,
  - record of police interview, from [1991] 836
- refusal of solicitor,
  - admissibility of interview notes, and [1992] 372
  - subsequent confession [1992] 124
- Rehabilitation of Offenders Act,
  - good character, and [1989] 723
- relevance of acquittal at earlier trial [1992] 436
- retrial [1990] 51
- right of silence
  - help to jury on [1990] 188
- right to see solicitor,
  - accused not informed [1992] 43
- scientific examination,
  - alteration of material before [1991] 532
- search of accused premises,
  - interview during [1991] 777
- sexual charge,
  - allegation of fabrication by complainant [1992] 307
- sexual offences,
  - identification issue [1988] 688, 745
  - other sexual activities, and [1992] 648
- similar fact,
  - admissibility of [1992] 428
  - identification of relevant issue [1992] 802
  - striking similarities, and [1992] 41, 735
- similar facts [1989] 67
  - direction to jury [1991] 775
- rights and remedies, and [1988] 802
- robbers and receivers [1991] 702
- special procedures, and [1988] 50, 498
- special material,
  - PACE, s.9 technicalities and [1991] 376
- statement months after interview,
  - notes made at time [1992] 507
- statement of deceased prosecution witness [1990] 333
- statement of ill witness,
  - warning to jury [1992] 189
- statement of witness,
  - absence not induced by fear [1991] 915
- statutory offences,
  - "implied exception" [1988] 221, 233
- summing up [1992] 434

# CUMULATIVE INDEX 1988-1992

## Evidence—*cont.*

- supply of drugs,
  - home, from [1991] 282
- suspect kept incommunicado,
  - no knowledge that embargo lifted [1989] 218
- tape-recording of interview,
  - jury, and [1991] 194
- third party implication,
  - cross-examination, and [1992] 427
- undercover operations,
  - exclusion of evidence, and [1992] 729
  - "interview" by conversion [1992] 728
  - public policy, and [1992] 729
- unlawful sexual intercourse,
  - failure to allow cross-examination [1990] 405
- unreliable interview excluded,
  - subsequent interview and [1991] 124
- unsworn [1988] 525
- unused prosecution material,
  - disclosure to defence [1991] 126
- unwilling witness,
  - procedure [1989] 817
- US exclusionary rule,
  - defendants' changing rights, and [1989] 117
- use of bodily samples,
  - privilege against self-incrimination, and [1991] 18
- videotape of interrogations [1992] 532
- wife of co-defendant,
  - compellable witness [1991] 545
- witness's demeanour,
  - truth of testimony, and [1991] 821
- witness statements,
  - documents of record, as [1988] 174
  - recording of [1992] 160
- witness summons,
  - materiality, and [1990] 578
- written statements,
  - statutory conditions of admissibility [1990] 651

## Expert Witness, *see* Witness,

## Extradition,

- abuse of process,
  - subsequent applications and, attempts,
    - jurisdiction [1989] 825
- challenge by *habeas corpus*,
  - discovery [1992] 741
- challenge by judicial review,
  - discovery [1992] 741
- consequences of illegal [1992] 490
- conspiracy to import drugs [1990] 196
- Criminal Justice Act 1988, under [1989] 4

## Extradition—*cont.*

- delay and abuse of process,
  - US and [1990] 584
- disguised as deportation [1989] 589
- evidence,
  - discretion on committal [1988] 832
- "extradition crime"
  - authority to proceed [1992] 438
- habeas corpus* [1988] 307
- indictment on file,
  - whether "disposed of" [1988] 457
- order to proceed,
  - specification of details of offence [1989] 825
- proof of foreign conviction [1988] 834
- reasonable cause,
  - s.12 of 1870 Act [1988] 691
- specialty provision in Act [1992] 46
- retraction by witness [1992] 808
- tax evasion and [1988] 835

## Factories,

- liability of occupier,
  - contractor's employee, to [1991] 839

## False accounting,

- bills of exchange [1990] 865
- failure to fill in document [1990] 411
- view to gain, and [1992] 440

## False imprisonment,

- mens rea* [1988] 379

## Fines,

- issues of enforcement [1990] 839

## Fire services,

- wilful obstruction,
  - justifying refusal of entry [1990] 585

## Firearms,

- certificate,
  - excess ammunition and [1989] 901
- electric stunning device [1988] 610
- "having with him a firearm" [1992] 584
- lethal weapons,
  - air rifles [1989] 365
- meaning of ammunition [1990] 811
- possession,
  - adaption of noxious liquid [1990] 868
  - intent to endanger life [1989] 574
- possession at time of specified offence,
  - robbery included "theft" [1991] 463
- possession with intent to endanger life,
  - mens rea* [1990] 413
- possession without certificate,
  - flare launcher, of [1989] 724
- offence of strict liability [1991] 381
- sale or transfer,
  - silencer integral part [1989] 725
- persons without certificate, to [1989] 146
- strict liability offence [1990] 723

# CUMULATIVE INDEX 1988-1992

- Food and Drugs,
  - food unfit for human consumption, sale of [1990] 414
  - poultry with excess water, time for laying information [1989] 651
  - preserved food for sale, meaning of [1990] 725
- Forensic medicine,
  - body samples, Northern Ireland, in [1989] 198
- Forgery,
  - double intention, ss. 3 and 10 Forgery and Counterfeiting Act [1988] 115
  - false name [1988] 176
  - falsity in [1989] 687
- Fraud,
  - application to dismiss charge [1989] 726
  - conspiracy to defraud [1988] 137, 508
  - sentencing for [1989] 420
  - Serious Fraud Office [1989] 175
  - territorial jurisdiction and [1988] 280
  - power to investigate [1988] 837
  - transfer to Crown Court, CJA under [1989] 726
- Fraudulent trading,
  - defrauding creditors [1988] 376
  - Ghosh* direction, and [1991] 130
  - "Knowingly a party to the carrying on of the business" [1992] 657
- Fugitive offenders,
  - Hong Kong, from [1988] 611
  - standard of proof [1991] 629
- Going equipped for cheating,
  - counterfeit cassette tapes [1989] 436
- Goods vehicles,
  - drivers' work and rest periods, EEC regulations [1988] 755
- Handling,
  - accomplice,
    - corroboration by defendant [1990] 118
    - belief that goods stolen [1991] 132
    - Ghosh* directions, and [1990] 118
    - goods not stolen [1988] 238
    - recent possession [1990] 586
    - trial, material irregularity [1991] 132
    - witness,
      - previous conviction of [1991] 132
- Hazardous waste,
  - Control of Pollution Act,
    - deposit of toxic waste [1992] 743
- Health and safety,
  - duty to persons other than employees [1988] 752
- Health and safety—*cont.*
  - factories,
    - asbestos regulations [1988] 691
- Health and Safety at work,
  - prototype dummy mine,
    - detonation of [1991] 547
- Hearsay,
  - exceptions [1989] 15
- Highways,
  - builder's skip [1988] 458
  - obstruction,
    - of [1991] 631
  - unlocked gates on bridlepath [1990] 726
  - use of dumper trucks,
    - exemption for statutory criteria [1992] 509
- Homicide,
  - alcoholism as defence [1988] 308
  - causation,
    - medical treatment and [1991] 709
  - manslaughter,
    - acts of co-defendants [1988] 693
    - unlawful act of defendant [1992] 659
  - provocation, 716
  - cumulative effect of violence [1992] 193
  - psychiatric expert evidence [1989] 220
- Hong Kong,
  - dishonest appropriation,
    - textile export quotas [1988] 125
- Housing,
  - unlawful eviction,
    - new offences [1989] 555
- Human rights,
  - Court of Appeal's relisting jurisdiction [1992] 346
- Identification,
  - failure to hold parade [1989] 144
- Indecency with children,
  - outraging public decency,
    - common law offence [1990] 415
    - "with or towards" children [1988] 528
- Indecent exposure,
  - passengers, to,
    - meaning of "passenger" [1991] 296
  - question of fact [1990] 812
- Indecent photographs,
  - age of child relevant [1988] 120
- Indictment,
  - alternative count added,
    - close of defence case, at [1992] 48
  - amendment of,
    - whether injustice [1991] 464
  - application to sever [1992] 511
  - bad for duplicity [1992] 723
  - fresh indictment or amendment [1992] 442

# CUMULATIVE INDEX 1988-1992

## Indictment—*cont.*

- bill of,
  - proper officer's signature [1988] 459
- counts wrongly joined,
  - counsel's responsibility [1988] 245
- joinder of offences,
  - no similarity of evidence [1990] 869
- joinder of summary and indictable offences [1992] 444
- not signed by proper officer [1990] 416
- original stayed,
  - validity of fresh [1989] 439
- sexual offences,
  - relationship between [1992] 445
- summary offence included,
  - adjournment, after [1992] 47
- summary only offence,
  - joinder to indictable offences [1992] 191, 192
- supply of drugs,
  - co-accused, to [1988] 378
- voluntary bill,
  - amendment of [1990] 872
  - judicial reviews, and [1990] 654
  - time limit [1990] 871

## Information,

- theft of library books [1992] 885
- ## Inland Revenue,
- conspiracy to cheat,
    - whether offence known to law [1990] 427

## Insanity,

- European Court of Human Rights, and [1992] 418

## Insanity defence,

- fact and fiction [1990] 247
  - non-insane automatism, or [1990] 256
- magistrates' courts, and [1991] 501
- post Hinckley* in the U.S. [1988] 88
- sleepwalking,
  - non-insane automatism, or [1991] 548

## Intent [1990] 85

- legal concept,
  - confusion over [1990] 637, 642
  - "oblique" and "direct" [1990] 637, 642
- oblique,
  - legal politics and [1989] 793
- present law on [1988] 484, 641, 649
- purpose and complicity [1988] 641

## Interrogation,

- suspect's right to legal advice [1992] 854

## Intoxication,

- self-induced,
  - whether involuntary [1988] 698

## Israel,

- sexual abuse,
  - examination of children [1988] 263

## Israel—*cont.*

- witness' statements in,
  - compared with CJA 1988 [1992] 478

## Joint enterprise,

- alternative factual bases [1992] 660
- g.b.h. with intent,
  - jointly indicted defendants [1989] 502
- joint charge,
  - theft of electricity [1988] 247
- mens rea* and [1990] 383
- offence of specific intent [1988] 616
- murder [1989] 903

## Judges,

- comments to press,
  - conviction unsafe [1990] 53
- counsel and,
  - private discussion between [1991] 79

## Judicial law-making,

- marital rape, and [1992] 407

## Judicial review,

- juvenile,
  - decision to prosecute [1991] 841
- matter relating to trial on indictment [1992] 886
- scope of *certiorari* [1991] 550
- trial on indictment, and [1991] 551

## Judiciary,

- miscarriage of justice,
  - responsibility for [1991] 492

## Jurisdiction,

- territoriality,
  - fraud cases, and [1988] 280

## Jury,

- acquittal rates by [1990] 629
- challenging and discharging jurors [1990] 225, 284
- deception,
  - alternative representations [1991] 466
- defence case,
  - reminder of [1989] 222
- direction to,
  - factual basis on [1988] 178
  - judge's responsibilities [1992] 843
- discharge of juror,
  - retirement, after [1990] 730
- discretion to discharge [1989] 828
- error in verdict,
  - rectification before discharge [1990] 197
- experiments by [1989] 653
- "good reason" for excusal,
  - conscientious objection [1990] 417
- inconsistent verdicts [1991] 553
- principles to be applied [1992] 194
- judge refusing to discharge,
  - exercise of discretion [1990] 875

# CUMULATIVE INDEX 1988-1992

## Jury—*cont.*

- jurisdiction of,
  - public order offence [1990] 729
- juror's private communication with judge [1988] 52
- majority verdict,
  - whether material irregularity [1991] 59
- material irregularity [1990] 873
- offence with alternative elements,
  - directions to [1990] 344
- peremptory challenge,
  - death of [1989] 528
  - trial outcome, and [1988] 731
- police witness,
  - relationship to juror [1992] 586
- pressure to reach verdict,
  - risk of [1992] 513
- provision of tape measure to [1990] 655
- recall,
  - pressure on [1991] 843, 844
- satisfying the [1988] 335
- standby of jurors
  - trial outcome, and [1988] 731
- summing up facts [1989] 781
- summing up law [1989] 766
- trial by,
  - Diplock and presumption against [1992] 755
  - worth of [1991] 740
- verdict,
  - jury not agreed [1990] 877
- victim of theft,
  - juror employed by [1991] 385
- viewing scene of crime [1989] 905

## Juveniles,

- detention in police custody,
  - local authority arrangements, and [1991] 382

## Juvenile offenders,

- cautioning of [1992] 632
- committal,
  - adult defendant and [1992] 810
  - more justice for [1990] 153
  - police cautioning of [1990] 165

## Keeping a disorderly house,

- persistent or habitual user [1992] 49

## Kidnap,

- babies of [1989] 473
- mens rea* [1988] 379

## Landlord and Tenant,

- harassment,
  - stare decisis* [1988] 839
- protection from eviction,
  - unlawful harassment [1990] 877

## Landlord and Tenant—*cont.*

- unlawful eviction,
  - new offences [1989] 555

## Legal advice,

- access to in police stations [1990] 494

## Legal aid,

- application for,
  - financial circumstances, and [1990] 589
- legal representatives,
  - withdrawal of [1989] 714
- revocation of order,
  - failure to [1991] 846
- unrepresented defendant [1988] 380

## Legal history,

- Criminal Code (Indictable Offences) Bill,
  - Cockburne L.J. and [1990] 315

## Legislation,

- statutory exceptions [1988] 31

## Licensing,

- "acid house" party,
    - whether public entertainment [1991] 468
  - aiding and abetting sale of intoxicating liquor [1992] 51
  - "any day"
    - Sunday as [1989] 368
  - restaurateur not agent,
    - hotel's licensee, of [1990] 54
  - sex establishment,
    - criminal law, and [1990] 733
- Literary proceeds of crime,
- confiscation of [1992] 96
- Local government,
- sex establishment,
    - knowingly using without licence [1990] 419
  - unlicensed public musical
    - entertainment,
      - offence of strict liability [1992] 886

## Magistrates,

- 70-day period,
  - preparation of defence and [1989] 375
- abuse of process [1989] 576
- adjournment,
  - absence of witness [1990] 266
- alternative charges,
  - procedure [1991] 711
- committal for sentence,
  - "character and antecedents" [1989] 503
- committal for trial,
  - delay by prosecution [1991] 469
  - whether offence part of series [1988] 54

# CUMULATIVE INDEX 1988-1992

## Magistrates—*cont.*

- committal proceedings,
  - duty to bear witness [1992] 312
- common assault [1988] 381
- conviction in *absentia* [1992] 370
- Court procedure,
  - evidence and [1990] 421
  - mode of trial [1988] 619
- custody time limits,
  - formal application for [1991] 558
- dismissal of information,
  - defective [1989] 224
- evidence not heard [1991] 712
- powers [1989] 148
- election for summary trial [1988] 311
- guilty pleas by post,
  - prosecution costs, and [1990] 734
- immigration,
  - sufficient evidence [1988] 529
- in camera* proceedings [1988] 120
- information,
  - laid by unincorporated body [1989] 371
  - no authority to lay [1991] 555
- insanity defences, and [1991] 501
- interest of member of bench [1990] 733
- joint defendants and single charge,
  - committal to Crown Court, and [1990] 736
- jurisdiction,
  - dismissal of charge [1989] 728
- laying of informing,
  - computer link, by [1988] 842
- lesser charge,
  - adjournment [1989] 374
- McKenzie friend [1991] 556
- Magistrates' Courts Committee [1988] 618
- Magistrates' Courts Procedure [1991] 848
  - absence of defendant,
    - material irregularity [1992] 888
- Magistrates' Courts Rules,
  - duplicity [1988] 248
- means inquiry,
  - warrant for [1989] 372
- power to change mode of trial [1989] 655
- powers of remand,
  - other petty sessional area, to [1988] 53
- previous conviction,
  - magistrate's knowledge of [1989] 147
- procedure,
  - amendment of information [1988] 753
  - hearing in absence of defendant [1989] 70
  - information dismissed for duplicity [1990] 268

## Magistrates—*cont.*

- procedure—*cont.*
  - jurisdiction to permit change of plea [1988] 754
  - mode of trial [1992] 52
  - proceedings in camera [1988] 382
  - rehearing and [1992] 128
  - prohibition of publication,
    - contempt [1988] 181
  - relisting of trial,
    - power to order [1989] 149
  - substituted charge,
    - no abuse of process [1989] 370
  - summary trial,
    - plea of guilty [1988] 312
  - territorial jurisdiction of,
    - offence outside [1990] 591, 592
  - withdrawal of summons [1989] 69
  - witness warrants,
    - refusal to issue [1990] 267
- Manslaughter,
  - assault and *actus reus* [1988] 314
  - causation,
    - injection of heroin [1989] 149
    - novus actus interveniens* [1992] 198
  - corporate liability [1991] 693
  - Dutch law, and [1991] 163
  - English law, and [1991] 156
  - heart attack following burglary,
    - cause of death [1989] 733
  - unlawful act [1989] 730, [1990] 588
  - unlawful and dangerous act [1991] 632
- Marital rape, *see* Sexual Offences
- cohabitation,
  - no court order ending [1991] 477
  - no exemption for husband [1991] 60, 301
- Mens rea*,
  - affray,
    - proper direction [1991] 470
  - causing g.b.h. with intent,
    - proper direction [1991] 470
  - deception,
    - Ghosh* directions, and [1990] 200
  - malicious wounding,
    - defence of accident [1989] 376
    - subjective test [1989] 505
  - murder,
    - aggravated burglary, during [1990] 119
    - reckless driving [1990] 121
- Mental health,
  - "ill treatment" and "wilfully to neglect,"
    - separate counts [1990] 593
  - Insanity Act [1992] 4
  - prosecution of mentally handicapped [1989] 87
  - sexual suppressants,
    - Mental Health Act, and [1988] 660

# CUMULATIVE INDEX 1988-1992

- Mentally disordered offenders,
  - diversion from custody [1991] 333
- Miscarriage of justice,
  - continental jurisdictions, and [1992] 326
  - Court of Appeal and [1990] 615
  - accessibility to [1991] 373
  - police practices, and [1992] 323
  - root cause of [1992] 323
- Mortgage fraud,
  - execution of valuable securities,
    - conspiracy to procure [1992] 889
- Murder,
  - attempted [1990] 44
  - corporate crime, and [1988] 788
  - defence,
    - denial of presence [1989] 906
  - defence of diminished responsibility,
    - jury, and [1991] 781
  - drunkenness,
    - "intent" to do g.b.h. [1991] 135
  - fresh evidence,
    - psychiatrist not called [1990] 122
  - Homicide Act,
    - provocation [1989] 736, 738
  - joint enterprise,
    - intention to cause g.b.h. [1991] 133
    - Mens rea* of secondary party [1992] 446
  - mens rea*,
    - direction to jury [1988] 117
    - intent to do g.b.h. [1989] 739
  - previous violence by defendant,
    - admissibility [1989] 734
  - provocation,
    - abnormal defendant [1990] 122
    - domestic violence [1992] 54
    - not part of defence [1989] 831
    - reasonable man test and [1991] 383
    - self-defence [1988] 906
  - reforming law of [1990] 75
  - robbery,
    - killing in course of [1988] 530
  - self-defence,
    - test to be applied [1988] 116
- Name suppression,
  - open court justice, and [1991] 680
  - presumption of innocence, and [1991] 753
- Natural justice,
  - apparent and actual bias [1991] 385
  - conduct of magistrate [1992] 514
  - judge shareholder,
    - no disclosure in open court [1989] 908
- Necessity [1989] 611, 622
- duress of circumstances [1989] 284
- Netherlands,
  - criminal procedure in [1992] 623
- New Zealand,
  - 1989 Criminal Code [1990] 827
- Northern Ireland,
  - right of silence in [1991] 404
- Oblique intention,
  - legal politics, and [1989] 793
- Obtaining by deception,
  - credit cards,
    - intention to deprive [1989] 293
- Obscenity,
  - distinction from sexually explicit [1992] 56
  - outraging public decency,
    - Obscene Publications Act or Common law offence [1990] 738
- Obstructing police,
  - meaning of [1991] 782
- Obtaining property by deception,
  - causation [1992] 744
- Offences,
  - basic and specific intent, of [1989] 271
  - letting them happen,
    - passive assistance or encouragement [1990] 780
- Offences against the person,
  - noxious thing,
    - administration of [1988] 531
  - threat to kill,
    - unborn child [1989] 834
- Offensive weapon,
  - intent to injure carrier [1989] 71
  - rice flail,
    - whether offensive *per se* [1989] 577
  - sword stick,
    - offensive *per se* [1988] 695
- Outraging public decency,
  - members of public and,
    - police officers as [1991] 784
  - notes in public places,
    - invitations to boys [1991]
- Perjury,
  - falsity of evidence,
    - need for two witnesses [1990] 741
- Perverting course of justice,
  - acts intended to [1991] 208
  - attempt to [1991] 205
- Planning,
  - "final determination" of appeal [1988] 459
  - mobile home,
    - agricultural land, on [1992] 589
  - Town and Country Planning Act 1990,
    - repetition of offence under [1992] 877
  - tree preservation order,
    - destruction without permission [1990] 516



# CUMULATIVE INDEX 1988-1992

- Police,
    - arrest,
      - violent behaviour in police station, for [1989] 150
    - assault and abuse against [1988] 600
    - assault on resisting arrest,
      - unlawful arrest [1990] 422
    - cautioning of juveniles [1990] 165
    - cautioning of offenders,
      - Home Office Guidelines on [1991] 591
      - young adults, and [1991] 598
    - citizen's duty to assist [1992] 611
    - custodial legal advice, and [1992] 854
    - interviews,
      - tape recordings of [1991] 671
    - obstruction of [1991] 782
    - inexecution of duty [1991] 850
    - previous malpractice of,
      - right to adduce at trial [1992] 863
    - solicitor's clerk, and
      - right to deny access to client [1989] 440
    - tape recording interviews,
      - foreigners, with [1989] 643
    - use of "minimum force"
      - arrest of suspects, and [1990] 695
    - videotaping interrogations [1992] 532
  - Police and Criminal Evidence Act,
    - access to legal advice,
      - police malpractice, and [1990] 494
    - custodial legal advice,
      - right of suspect to [1992] 854
  - Codes of Practice,
    - breaches of [1990] 109
    - Code C [1991] 232
    - contribution of judges to [1990] 452
    - revised set [1991] 229
  - detention at police stations,
    - necessity principle [1990] 22
  - D.N.A. profiling and [1990] 479
  - power of entry and arrest [1988] 842
  - protection of special material,
    - special procedure for [1990] 472
  - rights and remedies and [1988] 802
  - special procedure,
    - ex parte* application [1988] 384
    - form of notice of application [1988] 386
    - legal privilege, and [1988] 498
  - spouse competence and compellability [1990] 34
    - whether interview under [1990] 425
  - treatment of suspects,
    - police stations, in [1990] 452, 494
- Pollution,
  - "causing" [1989] 442
  - control of,
    - waste deposit and [1991] 298
- Pollution—*cont.*
  - controlled waste,
    - purpose of use not relevant [1990] 813
  - service of abatement notice [1990] 426
- Practice direction,
  - voluntary bills [1991] 471
- Preparatory hearing,
  - exercise of discretion questions of law, and [1990] 597
- Prevention of terrorism,
  - procedure [1992] 812
- Prison,
  - Board of Visitors,
    - legal representation before [1989] 701
- Prisoners,
  - mentally disordered,
    - transfer to hospital, of [1990] 544
  - untried or unsentenced [1988] 140
- Private prosecution,
  - documents,
    - Crown Prosecution Service, and [1988] 316
- Privilege,
  - criminal proceedings, in [1988] 461
  - drug trafficking offences,
    - production of documents, and [1989] 444
  - excluded or special procedure material [1991] 559
  - PACE, and
    - items subject to [1989] 448
- Procedure,
  - case stated [1989] 808
  - ex parte* order to enter and search,
    - PACE, under [1991] 635
  - locking court door,
    - open justice principle, and [1991] 633
  - remitting case for rehearing [1991] 616
  - Prosecution of Offences Act [1992] 746
  - search warrant under PACE,
    - Transport Act powers, and [1991] 473
  - submission of no case [1988] 463
- Proceeds of crime,
  - literary,
    - confiscation of [1992] 96
- Procuring valuable security by deception,
  - conspiracy [1992] 57
  - meaning of "valuable security" [1992] 57
- Prosecution disclosure,
  - Crown's duty of [1992] 464
- Prosecution of offences [1990] 55
  - abuse of process doctrine, and,
    - Australia, in [1990] 552
  - arrest without warrant,
    - customs officers, by [1990] 742
  - custody time limits,
    - acting with due expedition [1990] 745

# CUMULATIVE INDEX 1988-1992

## Prosecution of offences—cont.

- juveniles [1990] 153
- local authority prosecutor [1992] 892
- mentally handicapped [1989] 87
- private [1989] 656
  - access to documents [1989] 152
- Prostitution,
  - soliciting women for [1990] 814
- Provocation,
  - diminished responsibility, and [1988] 411
  - mercy killings, and,
    - murder case, in [1991] 111
  - no evidence of [1989] 749
- Psychiatric patients,
  - personal searches of [1992] 767
- Public health,
  - Control of pollution [1989] 226
  - statutory nuisance,
    - "conviction of sentence" for [1989] 450
  - transporting unfit animals, *mens rea* [1991] 210
- Public Order,
  - attempt to rescue another,
    - police custody, from [1989] 579
  - breach of peace,
    - right of police to enter [1990] 58
  - direct threat,
    - person present or in earshot, to [1989] 581
  - effect of s.6(4) of Act [1992] 60
  - insulting etc. words,
    - provocation of unlawful violence and [1990] 598
  - linking individuals with group behaviour [1992] 62
  - offensive weapon,
    - self-defence and [1989] 451
  - "persons,"
    - police officers as [1988] 848
  - threatening words and behaviour,
    - dwelling-house, in [1990] 518
  - three or more participants [1990] 124
    - three persons and [1989] 658
  - "three or more persons,"
    - acquittal of two [1989] 72
  - trespasser,
    - failure to leave [1989] 295
  - violent disorder,
    - warning before arrest [1991] 713
- Public peace,
  - duty to assist police in preserving,
    - citizen's duty [1992] 611
- Punishment and prevention,
  - inappropriate prisoners [1988] 140

## Rape,

- allegation of,
  - definition of [1991] 689
- attempted,
  - mens rea*, and [1990] 519
- issue of consent [1991] 213
- judicial law-making, and [1992] 407
- marital [1992] 207
- reckless and inconsiderate [1991] 172
- marital,
  - consent in [1989] 877, [1990] 198
  - research into [1989] 321
  - successive acts,
    - corroboration [1989] 216
- Recklessness,
  - foresight [1988] 4
- Remand,
  - custody in [1989] 481
- Reparation,
  - sentencing and [1989] 463
- Reporting restrictions,
  - risk of economic damage [1992] 371
- Revenue,
  - cheating,
    - omission to act [1989] 152
- Right of silence [1989] 677
  - curtailment of,
    - Northern Ireland, in [1991] 404
  - mental element, and [1988] 97
- Road Traffic,
  - breath test,
    - failure to supply specimen [1989] 741
    - replaced by blood specimen [1989] 453
    - right to replace [1990] 656
  - breathalyser cases,
    - police *mala fides*, and [1991] 851
  - "causing,"
    - positive act required [1988] 696
  - death by reckless driving,
    - consumption of alcohol and [1991] 715, 788
  - Lawrence direction, and [1990] 522
  - subjective test [1991] 269
  - defective trailer [1989] 377
  - drink driving,
    - alternative specimen option [1989] 155, 832
    - asleep in car [1989] 154
    - blood-alcohol back-calculation [1989] 297
    - failure to provide breath specimen [1989] 380
    - "feeding" parking meter [1989] 659
    - incorrect procedures [1990] 143
    - "medical reasons" [1990] 60
    - PACE rights [1990] 177
    - presumption of proportion of alcohol [1990] 601

# CUMULATIVE INDEX 1988-1992

## Road Traffic—cont.

- drink driving—cont.
  - print-out not signed by police [1989] 583
  - provision of specimen [1992] 518
  - specimen of blood or urine [1992] 200
- driver's identity,
  - vehicle keeper's duty to give [1989] 582
- driving while disqualified,
  - necessity as defence [1989] 284
- driving with excess alcohol,
  - blood specimen [1988] 316, 758
  - failure to provide breath test [1988] 249
  - machine service record as evidence [1988] 759
- failure to provide breath specimen,
  - arrest unlawful [1990] 269
  - mental or physical inability [1990] 428
- failure to provide breath,
  - request for blood, and [1992] 893
  - fear of contracting AIDS [1992] 894
  - self-induced intoxication [1992] 63
- failure to provide specimen,
  - Codes of Practice, and [1991] 211
  - fear of AIDS [1988] 123
- fixed penalty notices,
  - unincorporated body, and [1989] 910
- goods vehicles
  - driving in restricted streets [1989] 510
- in charge of motor vehicle,
  - Lion Intoximeter reliability, and [1989] 379
  - reversal of burden of proof [1989] 382
  - unfit through drink or drugs [1989] 454
- insurance certificate,
  - duty to produce after accident [1990] 429
- intoximeter,
  - blood specimen, and [1982] 384
  - disparity between readings [1988] 533
  - print out not produced [1989] 76
  - print out not signed [1989] 583
  - meaning of "locomotive" [1990] 600
- no driving requirement,
  - condition of bail, as [1988] 739
  - unsupervised learner [1988] 122
- North Report [1988] 707
- notice of intended prosecution,
  - duty to serve on injured driver [1991] 472
- permitting use of uninsured vehicle,
  - liability [1991] 787
- public place,
  - drink driving and [1990] 600
- reckless driving,
  - causing death by [1992] 203

## Road Traffic—cont.

- reckless driving—cont.
  - excess alcohol, and [1991] 474
  - Lawrence direction [1992] 201
  - subjective test, and [1992] 814
- "road or other public place,"
  - driving on [1991] 637
- speeding [1988] 756
- taxis,
  - operating without licence [1991] 852
- Salmon and freshwater fisheries,
  - Salmon Act 1986,
    - meaning of "fixed engine" [1990] 746
- Scotland,
  - common law and criminal law in [1990] 292
- criminal justice system,
  - safeguards in [1992] 144
- procurator fiscal,
  - minor offences and [1992] 22
- Search,
  - arrested person,
    - police power to, [1989] 226
- Search and seizure,
  - entry without warrant [1991] 918
- Search warrants,
  - entry,
    - search for drugs [1988] 534
- Self-defence [1989] 611
- murder and [1992] 747
- mistaken belief of attack [1992] 205
- Sentence,
  - addition,
    - burglaries to buy heroin [1989] 309
  - adequacy of,
    - attempted rape [1992] 454
    - conspiring to supply Class A drug [1992] 456
    - rape [1992] 455
    - rape of prostitute [1992] 902
    - robbery by young offender [1992] 519, 520
    - violence to child [1992] 454
    - wounding with intent [1992] 903
  - adjournment,
    - custodial sentence after [1989] 663
    - inquiries relevant to sentence [1988] 627
  - adjournment for assessment,
    - custodial sentence after [1988] 255
  - age of offender [1989] 750
  - aggravated burglary,
    - threat of violence, with [1991] 306
  - alteration,
    - subsequent conduct of offender [1988] 390

# CUMULATIVE INDEX 1988-1992

## Sentence—*cont.*

- arson,
  - danger to public [1988] 546, 548
  - drinking and [1991] 312
  - recklessness [1988] 472
  - series of offences [1991] 142
  - drinking and [1991] 312
- assault,
  - soccer player, by [1991] 70
- assault occasioning actual bodily harm [1988] 854
- assistance to police or other authorities [1988] 771
- attempted theft,
  - small sum [1992] 384
- bail offence,
  - failure to surrender [1990] 275
- binding over,
  - Law Commission working paper [1988] 355
  - substantial recognisance [1989] 458
- blackmail [1989] 391
- bomb hoax [1992] 129
- breach of community service order,
  - time spent in custody on remand, and [1992] 452
- buggery,
  - child of [1991] 489
  - male without consent, of [1989] 669, [1990] 526
  - without consent [1988] 850
  - women, of [1990] 527
- buggery of child,
  - delay before prosecution [1990] 607
- buggery with consent,
  - woman, of [1990] 65
- cannabis offences,
  - guidelines [1988] 258, [1989] 842
  - importation by juvenile [1988] 549
  - importing moderate amount [1989] 598
- care order,
  - charge and control condition [1989] 843
- causing death by reckless driving [1990] 277
  - adequacy of sentence [1992] 601
  - custodial sentence [1992] 68
  - excess alcohol [1992] 316
  - multiple deaths [1991] 216
- causing g.b.h.,
  - revenge attack [1989] 518
- causing g.b.h. with intent [1992] 223
  - adequacy [1992] 677
  - premeditated attack [1992] 135
- "character and antecedents,"
  - committing for sentence on basis of [1992] 222

## Sentence—*cont.*

- cheque frauds [1991] 857
- child evidence and [1990] 371
  - trauma of [1990] 371
- Children and Young Persons Act,
  - detention under [1989] 231
- committal for,
  - Crown Court powers [1991] 792
- Community service order [1988] 773
  - breach of requirements of [1988] 394, [1992] 376
  - consecutive orders [1992] 383
  - custodial service inappropriate [1991] 565
  - damage to property [1988] 776
  - fine, and [1991] 646
  - probation, and [1991] 145
  - whether order excessive [1988] 259
- cocaine,
  - importation [1988] 628, [1989] 307
- community service order [1989] 164, 412
  - cannabis for personal use [1989] 594
  - consecutive orders [1990] 130
  - reckless driving and [1989] 387
- company director disqualification [1988] 472
  - disqualification from acting as [1991] 790
  - grounds for [1990] 818
- compensation order,
  - common assault, and [1992] 833
  - defendant without means [1990] 208
  - disclosure of means [1989] 160
  - distress and anxiety, for [1990] 443
  - handling stolen goods [1991] 723
  - immediate imprisonment, and, insurance company and [1991] 306
  - offender in prison [1989] 751
  - probation order, and [1991] 727
  - responsibility for damage, and [1991] 567
  - sale of offender's home [1989] 230
  - imprisonment, and [1988] 254, [1990] 349
  - means of offender [1990] 128, [1992] 379
  - payment by instalments [1988] 851
  - saleable asset [1990] 132
- compensation order,
  - Theft Act and [1991] 921
  - drug offence, for [1988] 515
- consecutive [1992] 835
  - offences simultaneous [1988] 128
- conspiracy to rob [1989] 671
- conspiring to import drugs,
  - adequacy of [1992] 836

# CUMULATIVE INDEX 1988-1992

## Sentence—*cont.*

- costs of prosecution, [1988] 390
  - order to pay [1989] 228, [1991] 794
  - payment by offender and [1991] 567
- Criminal Justice Act 1988,
  - changes under [1989] 43
- Criminal Justice Act 1992,
  - arrangements for early release [1992] 252
  - children's evidence [1992] 252
  - custodial sentences [1992] 232
  - non-custodial sentences [1992] 242
  - young offenders and youth court [1992] 277
- Criminal Justice Bill [1991] 1
- counterfeiting [1989] 522
- criminal damage [1989] 164
- custody for life,
  - criteria [1992] 133
- dangerous offender,
  - appropriate sentence [1990] 209
  - assault by [1990] 886
  - morality of protective sentence [1988] 424
- deferment of,
  - further offences during [1990] 134
- deferred,
  - seriousness of offence, and [1991] 651
- delay to trial,
  - defendant absconded [1989] 512
- deportation,
  - unlawfully in country [1991] 653
- deserved,
  - criminal justice and [1989] 340
- detention in young offender institution,
  - assault causing actual bodily harm [1990] 751
  - day time burglary of dwelling [1990] 659
  - differing degrees of gravity of offences [1990] 650
  - statutory criteria [1990] 213, 749, 750, 884
- detention of juvenile,
  - magistrates, by [1988] 774
- determination of length,
  - time in custody abroad [1991] 728
- discount for guilty plea [1990] 664
- discrimination on sex grounds [1988] 163
- disparity of,
  - different judges [1989] 667
- disqualification from acting as company director [1992] 676
- disqualification from driving,
  - life for [1989] 920
  - offence of conspiracy, and [1990] 753
  - vehicle used in crime [1988] 626
- domestic provocation cases [1989] 546

## Sentence—*cont.*

- driving disqualification [1989] 386
- discretionary [1989] 458
- driving while disqualified,
  - deprivation of rights in car [1991] 307
- drugs,
  - conspiring to produce amphetamine [1992] 675
  - importation of Class A controlled [1991] 722
  - importation of substantial quantity [1988] 550
  - imprisonment in default of confiscation order [1992] 675
- drug trafficking [1989] 598
- "amount that might be realised" [1991] 720
- benefit from [1988] 775, 778
- confiscation order [1992] 749, 901
- confiscation order relevance [1989] 755, [1990] 530, 748, [1991] 217, 311, 791
- conspiracy to supply cocaine [1991] 721
- entrapment [1992] 602
- fine and custodial sentence [1991] 484
- general considerations [1990] 603
- procedure at inquiry [1991] 483
- proof of value [1991] 486
- realisable property [1991] 222
- standard of proof [1992] 899
- "the amount that might be realised" [1990] 528
- value of proceeds of [1991] 141, 485
- entrapment,
  - mitigating factor, whether, [1989] 846
- exclusion from licensed premises,
  - appropriateness [1990] 608
- extended,
  - gap in history of offending [1989] 305
  - long record [1989] 516
  - minor offences [1988] 61
- extradited defendant,
  - custody abroad served [1988] 852
- factual basis for [1988] 131, 326, 388, 769, [1992] 901
- amendment of indictment [1992] 314
- assault on young child [1989] 670
- conditional discharge, and [1990] 663
- conspiracy [1988] 62
- conspiracy to burgle [1991] 220
- Court of Appeal and [1991] 926
- D not giving evidence [1992] 600
- issue of consent [1992] 831
- establishing [1990] 752
- manslaughter [1989] 668
- Newton* hearing, and [1989] 913, [1992] 830
- plea of guilty [1988] 389

# CUMULATIVE INDEX 1988-1992

## Sentence—*cont.*

- fine,
  - problems of enforcement [1990] 839
  - whether D's version plausible [1992] 598
- fine in substantial amount,
  - failure to dissolve means [1988] 700
- finances and compensation orders,
  - payment by instalments [1989] 387
- finances for repeated offences [1990] 352
- firearms offences [1989] 304
  - sawn-off shotgun without certificate [1988] 65
- forfeiture of money [1988] 387
  - "related to the offence" [1988] 186
- fraud, for [1989] 420
- gross indecency with child,
  - maximum for [1990] 447
- guilty plea,
  - discount for [1988] 188
  - discount for [1989] 600
- heroin,
  - conspiring to supply [1988] 258
  - importation [1989] 77
  - importation of substantial amount [1989] 515
  - possession for supply [1989] 306
- HIV positive offender,
  - relevance of sentence [1991] 140
- hospital order,
  - restriction with [1989] 757
- hospital order with restriction [1988] 130
- illness of offender,
  - grounds for mitigation [1992] 520, 521
- incest,
  - adult daughter, with [1989] 600
  - delay before prosecution [1990] 607
  - general considerations [1989] 517
  - guidelines [1989] 923
  - non-custodial sentence [1990] 438
  - teenage daughter [1989] 390
- indecent assault [1988] 327, [1991] 725
  - adopted daughter, on [1988] 850
  - aggressive [1988] 777
  - female on [1989] 666
  - girl of 13, on [1988] 129
  - parent or step-parent by [1988] 67
  - stranger, on [1989] 514
  - stranger on young girls [1988] 66
- indecent assault and buggery,
  - young children, on [1988] 329
- infanticide [1990] 348
- juvenile,
  - custodial sentence [1989] 161
  - discount for pleading guilty [1992] 457
  - life detention and [1990] 206
  - long term for robbery [1989] 520

## Sentence—*cont.*

- juvenile—*cont.*
  - long term detention [1988] 134, 183, 184, 328, 392, 394, [1991] 923
  - robbery [1992] 220
- legal representation for [1990] 817
- life imprisonment,
  - counsel submissions and [1990] 662
  - indeterminacy of [1989] 244
  - murder and robbery, for [1989] 666
  - no evidence of mental instability [1989] 78
  - unusual violence [1989] 233
  - manslaughter [1988] 63
  - no specific medical evidence of dangerousness [1988] 182
  - whether appropriate [1991] 72
- manslaughter [1988] 545
  - adequacy of [1992] 678
  - child, of [1990] 67
  - recklessness, by [1991] 214
  - resulting from blow [1992] 315
- maximum,
  - whether increased available [1992] 219
- mentally disordered prisoners,
  - transfer to hospital of [1990] 544
- "mugging" of delivery boy [1991] 488
- non custodial penalties,
  - principles of desert, and [1988] 555
- offence of violence,
  - suspected mental illness [1988] 132
- offender with AIDS,
  - whether ground for mitigation [1992] 384
- parole,
  - revocation of licence [1988] 392
- partly suspended,
  - restoration of balance [1988] 471
  - wounding with intent [1988] 256
- persistent offender,
  - minor offences [1988] 628
  - multiplicity of thefts [1989] 79
- perverting justice,
  - interfering with witness [1990] 754
- possession of heroin,
  - intention to supply [1989] 162
- powers of court,
  - duty to ensure sentence within, [1990] 434
- pre-arraignment discussions,
  - guidelines in *Turner* [1990] 354
- pre-trial indication of [1990] 661
- preventive,
  - indecent assault on children, for [1991] 309
- probation order,
  - awaiting sentence for earlier offence [1989] 664

# CUMULATIVE INDEX 1988-1992

## Sentence—*cont.*

- probation order—*cont.*
  - made on appeal [1992] 73
  - offence committed during [1989] 229, 309, 671
  - property used for offence,
    - deprivation of rights in [1992] 134
    - time in custody [1989] 513
  - proceeds of drug trafficking,
    - deduction of outgoings [1989] 752
  - psychiatric report,
    - substitution of hospital order, and [1991] 138
  - rape [1988] 189; [1991] 725
    - burglar, by [1992] 834
    - evidence of effect on victim [1988] 474
    - former sexual partner [1990] 436
    - grave aggravating features, with [1991] 924
    - incest, and [1990] 211
    - juveniles, by [1988] 133, 853
    - person in charge, by [1992] 136
    - previous convictions [1990] 64
    - previous relationship with victim [1988] 325
    - wife of [1992] 905
  - reasons for,
    - empirical investigation [1988] 584
  - reckless driving [1992] 70
    - consequences of [1992] 904
    - deliberately aggressive [1991] 71
  - recommendation for deportation [1988] 252; [1992] 377, 378
    - EEC citizen [1989] 165
  - remission,
    - consecutive sentences [1991] 215
  - reparation,
    - mitigation, as [1989] 463
  - revenge attack, for [1992] 385
  - rights in property,
    - deprivation of [1990] 755; [1991] 144
  - robbery,
    - adequacy of [1992] 679
    - firearms, with [1992] 381
    - replica firearm, with [1992] 376
    - small shops and similar [1991] 304
    - taxi-driver, of [1992] 382
  - robbery of betting-shop,
    - shotgun fired [1990] 212
  - robbery of sub-post office [1990] 437
  - robbery with violence [1988] 190
  - sexual suppressants,
    - Mental Health Act, and [1988] 660
  - social inquiry reports and [1992] 558
  - specimen counts,
    - offender disputing all charges [1991] 143

## Sentence—*cont.*

- substantial,
  - desirability of giving reasons for [1988] 186
- summary offences,
  - Crown Court in [1992] 71
- suspended,
  - activation [1988] 629; [1989] 914, 917; [1991] 643, 652; [1992] 380
  - allowance for custody on remand [1989] 665
  - cannabis for personal consumption [1989] 158
  - length [1988] 469
  - length of [1989] 232
  - time spent in custody on remand [1992] 453
  - trivial offence, for [1991] 645
  - alternative for minor offence [1991] 564
- powers of Criminal Courts Act, and [1990] 533
- substantial period on remand, after [1990] 446
  - supervision order [1989] 159
- Sweden,
  - new statute [1989] 275
- theft,
  - hospital porter, by [1988] 549
  - unlawful sexual intercourse,
    - stepfather [1991] 925
    - White Paper on [1990] 217
  - unlicensed fishing,
    - forfeiture of vessel [1991] 793
- variation,
  - time limits [1991] 922
- VAT fraud [1988] 61
- violence,
  - rugby union, in [1989] 513
  - young children, towards [1989] 922
- wounding with intent,
  - "glassing" in public house [1991] 487
  - knife attack on former wife [1991] 487
- young adult,
  - determination of age for [1990] 816
  - suspended sentence and [1990] 441
- targeting [1990] 852
- young offender detention [1989] 389, 916, 918
  - arson of bus depot [1990] 435
  - breach of community service order [1991] 920
  - burglary of dwellings, for [1991] 388
  - causing death by reckless driving [1991] 566
  - causing gbh with intent [1990] 350
  - consecutive or concurrent sentences [1990] 276



# CUMULATIVE INDEX 1988-1992

## Sentence—*cont.*

- young offender detention—*cont.*
  - discount for age [1990] 130
  - grounds for interfering with [1990] 132
  - statutory criteria [1989] 592, 595, 596, 754, 837, 838, 841, 844; [1990] 274, 351, 440, 444, 531, 532, 606, 822; [1991] 69, 146, 147, 148, 219, 220, 223, 388, 563, 648 927
  - threatening behaviour, for [1990] 133
- young offender institution,
  - determination of age [1992] 219
  - length of [1992] 120
  - maximum sentence and guilty plea [1992] 599
  - stealing credit card [1992] 674
  - statutory criteria [1992] 68, 72, 132, 218, 521
- Sex establishment,
  - using premises as [1989] 455
- Sexual offences,
  - crime of sexual assault,
    - need for [1989] 331
  - examination of children,
    - Israeli law and practice [1988] 263
  - gross indecency with child,
    - material dates of [1990] 524
  - importuning in a public place,
    - immoral purposes, for [1991] 299
  - indecent assault, [1988] 357; [1992] 574
  - aiding and abetting [1989] 584
  - wife, on [1988] 124
  - "kerb-crawling",
    - soliciting for prostitution [1989] 660
  - living on earnings of prostitution [1991] 847
  - rape,
    - marital [1991] 477; [1992] 207, 407
    - mistaken belief in identity [1988] 846
  - sexual intercourse,
    - unintentional [1989] 539
  - sexual suppressants,
    - Mental Health, and [1988] 660
- Solicitor's clerk,
  - access to client, by
    - police right to deny [1989] 440
- Statutory interpretation,
  - failure to call witness,
    - power of judge to comment [1992] 822
  - technical subject [1992] 822
- Street trading,
  - pedlar,
    - meaning of [1988] 540
- Strict liability,
  - self-regulation and,
    - storkwain* analysed [1991] 892
- Suicide,
  - year and a day rule applies [1988] 541

- Summing-up,
  - supplementary direction [1988] 317
- Sunday trading,
  - car boot sale [1989] 385
  - exempted item [1988] 318
  - travel agents,
    - whether shop [1989] 157
- Sweden,
  - sentencing statute [1989] 275
- Terrorism,
  - armed forces, and [1989] 396
- Theft,
  - Aggravated Vehicle-Taking Act [1992] 699
  - appropriation, [1990] 271; [1992] 663
  - assumption of rights of ownership,
    - corporate body, from [1989] 585
    - non-consent of victim, whether essential element of offence [1991] 426-432
  - borrowing without consent,
    - intention permanently to deprive [1989] 299
  - CHAPS order as security,
    - Theft Act and [1991] 906
  - chose in action,
    - forged cheque [1988] 319
  - company directors, by [1991] 732
  - defence of express permission [1991] 479
  - defence of right to take [1990] 202
  - direction to jury,
    - "borrowing", on [1988] 321
  - dishonest appropriation,
    - Hong Kong [1988] 125
  - failure to direct jury,
    - functions of judge and jury, on [1990] 202
  - going equipped [1988] 55
  - housing benefit,
    - tenant using for own benefit [1988] 620
  - innocent agent,
    - Lawrence and Morris*, and [1992] 209
  - obtaining a pecuniary advantage,
    - "office or employment," in [1992] 591
  - property belonging to another,
    - mistake [1988] 465, 762
  - signing false invoices,
    - innocent agents, and [1991] 639
- Town and Country planning,
  - stop notice,
    - enforcement notice, and [1990] 747
- Trade Descriptions,
  - false description,
    - no written disclaimer [1990] 658
  - in the course of trade or business [1990] 879

# CUMULATIVE INDEX 1988-1992

## Trade Descriptions—*cont.*

- insolvent company,
  - liquidator appointed [1991] 854
- materiality of false description, [1989] 911
- meaning of "is applied" [1991] 386
- offence not stated in indictment [1991] 854
- point-of-sale literature,
  - correspondence to goods [1991] 63
- reckless making of false statement [1988] 623

## Transport,

- suitability of trailer [1991] 716

## Treasure trove,

- ancient coins,
  - likelihood of [1990] 125

## Trespass,

- failing to leave premises [1991] 641

## Trial,

- absconding defendants,
  - discretion to continue [1991] 856
- abuse of process [1992] 67
- acquittal, [1991] 252
  - retrial, and [1989] 745
  - significance in later [1991] 510
- additional evidence,
  - prosecution, by [1992] 215
- admissibility,
  - statements made outside jurisdiction [1989] 589
- alternative offence,
  - direction of jury [1992] 843
  - not left to jury [1991] 64
- appearance of bias [1992] 451
- basis of verdict [1989] 742
- child cruelty,
  - uncorroborated evidence [1992] 516
- committal for,
  - justices' power to say [1991] 526
- common assault,
  - change of law on [1990] 525
- conduct of counsel [1989] 562, 563
- conflict of laws,
  - Treaty of Rome [1988] 323
- conspiracy,
  - separate for co-conspirators [1991] 67
- convictions of co-accused,
  - issue in proceedings [1989] 747
- counsel's conduct of [1992] 65
- "cracked." [1992] 867
  - strategies for attacking problem [1992] 153
- decision to discontinue,
  - prosecution and [1992] 826
- defendant,
  - exclusion for improper dress [1988] 543

## Trial—*cont.*

- direction to convict,
  - when appropriate [1992] 594
- discharge of juror [1992] 664
- discussion between counsel and judge,
  - private room, in [1991] 79
- duplicity [1988] 57
- duress as defence,
  - no dispute of evidence [1989] 508
- evidence from witness box,
  - right to give [1991] 612
- fair hearing and finality [1992] 346
- fair play at [1988] 722
- guilty plea,
  - application to withdraw [1991] 482
- guilty pleas [1991] 252
- hearings in camera,
  - objection to [1991] 301
- indictable and summary offences,
  - not guilty finding, and [1991] 909
- indictment,
  - mutually contradictory counts [1989] 301
  - re-election, and [1992] 372
  - whether validly laid [1990] 880
- irregularity not material [1990] 433
- issue of bias in criminal,
  - correct test [1992] 895
- joint enterprise,
  - jury and [1989] 506
- judge commending witnesses,
  - whether jury affected [1990] 204
- judge's remarks,
  - material irregularity, and [1992] 829
- jurisdiction,
  - crime on foreign ship [1989] 591
- jury,
  - Diplock and presumption against [1992] 755
  - juror's attitude toward defendant,
    - application to discharge [1992] 898
    - summing up facts [1989] 781
    - summing up law [1989] 768
  - majority verdict,
    - ambiguity of [1992] 313
  - material irregularity,
    - failure to obtain interpreter [1989] 457
    - TV film of witness' evidence [1992] 449
  - miscarriage of justice, and [1990] 615
  - name of defendant,
    - suppression of [1991] 680
  - no defence evidence,
    - prosecution closing speech [1988] 250
  - not guilty pleas,
    - acquittals, and [1991] 252

# CUMULATIVE INDEX 1988-1992

## Trial—*cont.*

- note after retirement of jury,
  - procedure [1992] 666
- outburst from public gallery,
  - majority verdict, and [1991] 717
- peremptory challenge of jurors [1988] 731
- Police and Criminal Evidence Act,
  - section 78 [1988] 722
- plea,
  - change to guilty [1990] 815
  - guilty of murder [1990] 882
- private prosecution,
  - locus standi* [1989] 835
- prosecuting counsel,
  - "any comment" by [1990] 432
- prosecution disclosure [1992] 464
- prosecution evidence after close of case,
  - discretion to admit [1990] 431
- prosecution witness,
  - tainted evidence [1991] 562
- question of bias,
  - remarks about current case [1990] 727
- right to fair presentation [1989] 743
- right to silence [1989] 855
  - statements on abolition of [1991] 136
- satisfying the jury [1988] 335
- standby of jurors [1988] 731
- submissions by counsel,
  - presence of jury during [1988] 766
- submission of no case
  - scope after *Galbraith* [1988] 767
- summing-up,
  - alternative verdict [1988] 760
  - burden of proof [1992] 375
  - direction of jury [1988] 464
  - functions of judge and jury [1992] 214
  - identification at issue [1992] 593
  - issue raised for first time [1991] 561
  - omission of essential ingredient [1988] 127
- surveillance photographs,
  - identification, for [1992] 65
- unfair reasons, by [1989] 855
- unfitness to plead,
  - current law [1991] 87
- unrepresented defendant [1988] 468
- unsolicited receipt of controlled drug,
  - whether offence [1992] 594
- use of handcuffs,
  - procedure [1988] 251
- withdrawal of issue from jury,
  - when proper [1992] 596
- witness,
  - duty of prosecution to call [1992] 825
  - power of judge to call [1992] 826

- Unfitness to plead,
  - need to reform law on [1991] 87
- U.S.A.,
  - criminal evidence law,
    - liberalisation of [1990] 790
  - post, *Hinckley* insanity [1988] 88
- Unjust enrichment,
  - literary proceeds of crime [1992] 97

- Value Added Tax,
  - failing to furnish VAT return [1988] 58

- Verdict,
  - ambiguity,
    - writ of *venire de novo* [1988] 542
  - direction to jury [1992] 667
  - majority,
    - propriety of *Walhein* direction [1988] 60
  - unanimity direction,
    - unlawful blow [1988] 625
- Violent disorder,
  - three or more persons,
    - acquittal of one defendant [1991] 719

- War criminals,
  - procedural protection under Act [1992] 173
- prosecution of,
  - England and France in [1991] 180

- Warrants,
  - discrepancy with information sworn,
    - invalidity of [1992] 669
  - issued to police,
    - delegation to government agency [1992] 672

- Wildlife,
  - possession or control,
    - dead wild bird, of [1988] 699

- Witness,
  - calling a hostile [1989] 866
  - disclosure by prosecution,
    - unused material, of [1990] 62
  - expert,
    - excluding evidence of [1991] 800
    - neutral, court-appointed [1991] 98, 106
    - psychological evidence [1991] 811
    - voice identification [1991] 539
  - hostile,
    - admission of statements of [1991] 349
  - intimidated,
    - statements of [1992] 478
  - missing,
    - statements of [1992] 478

CUMULATIVE INDEX 1988-1992

Witness—*cont.*

PACE Act.

spouse competence and compellability  
[1990] 34

statements of.

recording [1992] 160

truth of testimony of [1991] 821

Words.

meaning of.

law and [1989] 323

Young adult offender [1990] 852

